



**DEPARTMENT OF CORRECTIONS
YOUTH COMMUNITY CORRECTIONS BUREAU
POLICY**

Policy No.: YCC 4.1.1A	Subject: ADMISSION AND CAPACITY FOR SECURE CARE OF DELINQUENT YOUTH	
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Section 1: Reception and Orientation	Revision Date: 11-23-07	
Applicable ACA Standards:		
Signature: /s/ Karen Duncan	Effective Date: 11-06-06	
Signature: /s/ Steve Gibson		

I. POLICY:

It is the policy of the Youth Community Corrections (YCC) bureau to accept and place delinquent youth committed to the Department and to regulate admission to secure facilities when capacity is exceeded pursuant to Montana law. This policy will be reviewed annually and updated as needed.

II. APPLICABILITY:

All YCC facilities and programs

III. DEFINITIONS:

Capacity - the maximum number of youth who can be held in a facility in accordance with good correctional practice as determined by the Department.

Delinquent Youth - a youth who is adjudicated by formal proceedings under the Montana Youth Court Act as a youth who has committed an offense that, if committed by an adult, would constitute a criminal offense; or who has been placed on probation as a delinquent youth and who has violated any condition of probation.

Mental Health Professional:

1. A certified professional person;
2. A physician licensed under [MCA Title 37, chapter 3](#);
3. A professional counselor licensed under [MCA Title 37, chapter 23](#);
4. A psychologist licensed under [MCA Title 37, chapter 17](#);
5. A social worker licensed under [MCA Title 37, chapter 22](#); or
6. An advanced practice registered nurse as provided for in [37-8-202, MCA](#), with a clinical specialty in psychiatric mental health nursing

Secure Care -confinement of a youth in:

1. A state youth correctional facility, or
2. An out of state youth correctional facility subject to the provisions of [41-5-355, MCA](#).

IV. BUREAU DIRECTIVES:

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A. DELINQUENT YOUTH

1. A delinquent youth may be committed to the Department for secure care as a juvenile only pursuant to [41-5-1513 MCA, Disposition-delinquent youth-restrictions](#).
2. The Department may not accept a youth adjudicated delinquent for placement in a state correctional facility for an offense that would be a misdemeanor if committed by an adult unless:
 - a. the court order states that the youth presents a danger to public safety, and
 - b. that the placement is recommended by a mental health professional who has evaluated the youth.
3. The Department may accept a court order specifying placement in a state youth correctional facility if:
 - a. the youth has been determined by the court to be a serious juvenile offender, and
 - b. the order states that placement is necessary to protect the public.
4. The Department will accept a delinquent youth committed to it for placement in a state youth correctional facility only:
 - a. After the Youth Placement Committee (YPC) has reviewed the case;
 - b. The court adjudicates the youth delinquent and commits the youth to a youth correctional facility pursuant to [41-5-1513, MCA](#); or
 - c. when a youth has received a parole revocation.
5. The Department requires 24-hour notice prior to arrival from the placing jurisdiction to the facility that the youth is ready for transport.
 - a. Youth are accepted between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding holidays.
 - b. Emergency intake is possible with prior approval of the superintendent or designee.
6. If the youth is committed for placement pursuant to commission of a misdemeanor(s), the facility may not accept the youth without a copy of the mental health evaluation required by [41-5-1513\(1\)\(b\) MCA](#).
7. For each youth committed to the Department, the receiving facility must receive from the transporting officer pursuant to [52-5-108, MCA](#):

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- a. the court order committing the youth, and
 - b. documentation of a medical exam/evaluation performed within the prior three months,
 - c. a current or updated social history, and
 - d. recent school records.
8. A signed waiver of revocation hearing or order of return to the institution must accompany a youth being returned for a parole violation signed by the authorizing official.
9. Any youth brought to the facility other than during approved hours or without the required documentation will not be accepted for intake.
10. Once a youth is committed to the Department for placement in a state youth correctional facility, the Department is responsible for determining an appropriate date of release or an alternative placement. The Department will determine the appropriate placement and rehabilitation for the youth after considering the recommendations of the YPC.
11. The court may require completion of sex offender treatment before a youth is discharged. It is the responsibility of the Department to provide the opportunity for the youth to complete a sex offender treatment program.
12. No delinquent youth may remain committed to the Department as a delinquent youth beyond the youth's 18th birthday. The Department will not pay for the care, custody or supervision of any delinquent youth who has attained age 18.

B. FACILITY CAPACITY EXCEEDED

1. The superintendent of each facility will provide the youth services division administrator with written documentation identifying the capacity of the facility for the administrator's approval.
2. Documentation of the facility's capacity is kept in the automated policy manual.
3. The capacity of a facility may change over time as a result of programming, physical plant or for other reasons. These changes must be documented by the division administrator.
4. When a state youth correctional facility has identified that it is at capacity, the division administrator will notify the director that capacity is reached and will complete a [Notification of Facility at Emergency Capacity \(DOC 2.2.1 Attachment\)](#) form and route to the Department director.

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5. The director's office will notify all district courts, sheriffs and youth courts that the facility has reached capacity pursuant to [41-5-355 MCA](#).
6. The division administrator will report to the director weekly on capacity status and recommend to the director a date when the cap can be lifted.
7. If the director has declared that a secure youth correctional facility has exceeded capacity pursuant to [41-5-355, MCA](#), and the youth court has requested placement of a delinquent youth, the Department may temporarily stop admissions and make alternative placements for those youth committed to the Department.
8. The Department must inform and seek the approval of the district/youth court regarding an intended alternative placement prior to placing these youth.
9. If the Department has accepted financial responsibility for a delinquent youth due to over-capacity the youth services division is responsible for payment.
10. The Department will accept this financial responsibility on the date that written notification is received stating that:
 - a. the youth is adjudicated and ready for transport to a placement and has been denied placement in a state youth correctional facility, and
 - b. the probation officer has notified the YPC that placement in a state youth correctional facility has been denied.
11. When the facility is no longer "over capacity" and is again accepting youth for commitment, the facility will determine how youth waiting for placement are received. New commitments or parole violators who were placed in alternate placements by the youth court/YCC bureau will be reviewed by the length of stay committee at the respective facilities to determine whether they should be admitted to the youth correctional facility or continue in the alternate placement. Factors to be taken into consideration are:
 - a. length of time in placement and remaining length of stay per the guidelines,
 - b. treatment progress in placement,
 - c. mental health needs, and
 - d. youth correctional facility waiting list.

V. CLOSING:

Questions concerning this policy should be directed to the youth community corrections bureau chief.

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VI. REFERENCES:

<u>27-1-1101, MCA</u>	<u>Definitions</u>
<u>41-5-103, MCA</u>	<u>Definitions</u>
<u>41-5-355, MCA</u>	<u>Excessive juvenile population-confinement of juveniles in alternate placements</u>
<u>41-5-1513, MCA</u>	<u>Disposition-Delinquent Youth- Restrictions</u>
<u>41-5-1522, MCA</u>	<u>Commitment to Department-Restrictions on Placement</u>
<u>41-5-1523, MCA</u>	<u>Commitment to Department-Supervision</u>
<u>41-6-101, MCA</u>	<u>Interstate Compact on Juveniles - Enactment-provisions</u>
<u>52-2-604, MCA</u>	<u>Transfer of custody to private agency-reports</u>
<u>52-2-616, MCA</u>	<u>Power of nonprofit corporations to establish homes</u>
<u>52-2-617, MCA</u>	<u>Governmental contracts with non-profit organizations</u>
<u>52-5-101, MCA</u>	<u>Establishment of State Youth Correctional Facilities-Prohibitions</u>
<u>52-5-102, MCA</u>	<u>Control and Management of Youth Correctional Facilities</u>
<u>53-1-202, MCA</u>	<u>Department of Corrections</u>
<u>53-1-203, MCA</u>	<u>Powers and Duties of Department of Corrections</u>

VII. ATTACHMENTS:

None